

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant:	ROY, et al.	Patent Application
Application No.:	10/698,815	Group Art Unit: 2151
Filed:	October 30, 2003	Examiner: Tiv, Backhean
For:	MANAGING HANDOFFS OF MEDIA SERVICE SESSIONS AMONG SERVICE PROVIDERS	

REPLY BRIEF

In response to the Examiner's Answer mailed on August 11, 2008, Appellants respectfully submit the following remarks.

REMARKS

Appellants are submitting the following remarks in response to the Examiner's Answer. In these remarks, Appellants are addressing certain arguments presented in the Examiner's Answer. While only certain arguments are addressed in this Reply Brief, this should not be construed that Appellants agree with the other arguments presented in the Examiner's Answer.

Response to Response to Argument in Examiner's Answer

On page 6 of the Examiner's Answer, it is asserted that "[t]he Office considers the "player program" as the "service manager" because a "service manager" in it's [sic] broadest interpretation is merely some program/device that manages a service. The "player program" of Kenner, enables the retrieval and playback of video data, which in essence manages video data" (Examiner's Answer; page 6, lines 14-17). Appellants respectfully submit that Kenner does not support such an assertion.

First, Appellants note that this assertion is contrary to the previous assertions of the Office. For instance, Appellants note that the Office Action mailed December 7, 2007, states that "[t]he [mirror service provider (MSP)] is considered as the service manager" (page 5, line 7).

Second, even considering the new basis for the anticipation rejection of Claims 1-50, Appellants respectfully submit that Kenner does not teach, describe or suggest "using said information at said service manager to determine whether to initiate a handoff of any of said media service sessions from a service provider to another service provider" (emphasis added) as claimed. It is further noted that independent Claims 19 and 44 further recites "wherein one of

said content providers, one of said service providers, and one of said client devices form one of a plurality of media service sessions”

Appellants respectfully note that Kenner discloses that “[i]f the clip corresponding to the constructed URL is not found at the Smart Mirror site, or is unable to be accessed, then the download proceeds from the next-highest ranked Smart Mirror site in the configuration file (step 84). If all delivery sites fail, the download proceeds from the original content provider's site as specified directly by the EMBED statement” (emphasis added; col. 15, lines 28-34). Appellants respectfully submit that not locating a clip or not being able to access a clip and then proceeding to a different delivery site is not equivalent to determining “whether to initiate a handoff of any of said media service sessions” (emphasis added) as claimed.

In contrast, Appellants submit that by disclosing proceeding to a different delivery site if a clip is not located or not able to be accessed, that a media service session is not established. Therefore, Appellants respectfully maintain that Kenner does not anticipate “using said information at said service manager to determine whether to initiate a handoff of any of said media service sessions from a service provider to another service provider” (emphasis added) as claimed.

CONCLUSION

In view of the above remarks, Appellants continue to assert that pending Claims 1-50 are not anticipated by Kenner, for reasons presented above and for reasons previously presented in the Appeal Brief.

Respectfully submitted,

WAGNER BLECHER LLP

Dated: October 14, 2008

/John P. Wagner, Jr./
John P. Wagner
Registration Number: 35,398

WAGNER BLECHER LLP
123 Westridge Drive
Watsonville, CA 95076
(408) 377-0500